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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,814	07/09/2003	Jeffrey E. Richlen	043210-1441-01	1444
23409	7590	01/11/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			FASTOVSKY, LEONID M	
		ART UNIT		PAPER NUMBER
		3742		

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/615,814	RICHLEN, JEFFREY E.
	Examiner	Art Unit
	Leonid M Fastovsky	3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 October 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 9-14 and 16 are rejected under 35 U.S.C. 103 (a) over Polly (3,667,315) in view of Hahmann (DE2019346) and further in view of Yang (4,181,190). Polly teaches a heated handgrip assembly adapted to be secured to a vehicle handlebar 10, the heated handgrip 13 comprising: a grip having a first end adapted to receive the handlebar 10, a second end opposite the first end, a grip sleeve 13 extending between the first and the second ends, a heating element 22 operable to provide a heat output, the grip sleeve 13 defining the first outer diameter, and a rheostat 34 coupled to the second end to control the heat output of the heating element 22. However, Polly does not teach a dial to control the heat output of the heating element having an outer diameter smaller than the first outer diameter and ribs defining graduation marks and equally angularly spaced.

Hahmann discloses a continuously manually adjustable regulator-dial R1 with ribs and a diameter that is smaller than that of a handgrip (Abstract and Fig. 2-3) for the handlebar heater of a motorcycle, but not extending from the second end.

Yang teaches a motorcycle controls having a handgrip 14 with a dial 148 with ribs 149 defining graduation marks that are equally angularly spaced and an outer diameter of the dial diameter is smaller than of the first outer diameter of the handgrip 14 and extending from the second end.

It would have been obvious to one having ordinary skill in the art to modify Polly's invention to include the dial as taught by Hahmann in order to control the heating power of the heating element, and also modify the dial of Hahmann having ribs that are equally angularly spaced and a diameter smaller than that of the hand grip to install them in the handgrip in order to have controls in the handgrip as taught by Yang (col. 7, lines 6-20) because the prior art of Yang is reasonably pertinent to the particular problem of handgrip controls in accordance with MPEP 2141.01(a).

Regarding claims 2 and 3, it would have been obvious for an ordinary person skilled in the art to adjust the outer diameters of the handgrip and the dial at appropriate range as necessary by user.

3. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polly in view of Hahmann and Yang and further in view of MacKay (5,931,751).  
Polly in view of Hahmann and Yang teaches substantially the claimed invention, but does not teach that the end wall portion of the dial is concave. MacKay teaches a handle 140 having an end wall 144 being concaved (Fig. 6). It would have been obvious to one having ordinary skill in the art to modify the invention of Polly in view of Hahmann and Yang to include a handle having an end wall being caved as taught by MacKay

because the prior art is reasonably pertinent to the particular problem of gripping the handle in accordance with MPEP 2141.01(a).

***Response to Arguments***

4. Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf

  
ROBIN O. EVANS  
PRIMARY EXAMINER

1/6/05